

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EDWARD R. WHITTINGTON,

Plaintiff,

v.

KING COUNTY DEPARTMENT OF  
ADULT DETENTION, *et al.*,

Defendants.

CASE NO. C05-1914-RSM-JPD

ORDER STRIKING PLAINTIFF'S  
PENDING MOTIONS

This is a *pro se* civil rights action brought under 42 U.S.C. § 1983. Plaintiff has filed three motions which are currently pending before this Court: (1) a motion to amend the parties to his complaint; (2) a motion to extend the discovery deadline; and, (3) a motion for an order directing Richard Morgan, Superintendent of the Washington State Penitentiary, to have photographs taken of injuries plaintiff suffered while in the custody of the King County Department of Adult Detention.

A review of the record reveals that plaintiff failed to serve any of his motions on counsel for defendants as required by Rule 5(a) of the Federal Rules of Civil Procedure and Local Rule CR 7(b)(1). While the Court is responsible for serving the original complaint on defendants in an action where the plaintiff has been granted leave to proceed *in forma pauperis*, the plaintiff is

ORDER STRIKING PLAINTIFF'S  
PENDING MOTIONS – 1

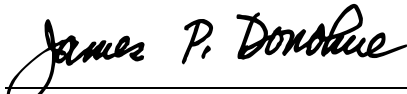
1 responsible for serving all other documents which are filed with the Court. The Court will not  
2 consider any documents that are not accompanied by proof that the documents have been  
3 properly served.

4 Accordingly, the Court does hereby ORDER as follows:

5 (1) Plaintiff's pending motions to amend the parties to his complaint (Dkt. No. 23), to  
6 extend the discovery deadline (Dkt. No. 29), and for an order directing Richard Morgan to have  
7 photographs taken of plaintiff's injuries (Dkt. No. 24) are STRICKEN. Plaintiff may re-file his  
8 motions if he so desires.<sup>1</sup> Plaintiff is advised that, should he decide to re-file his motions, he  
9 must ensure that the motions contain a proper noting date.

10 (2) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
11 defendants, and to the Honorable Ricardo S. Martinez.

12 DATED this 20th day of June, 2006.

13  
14   
15 JAMES P. DONOHUE  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23

---

24 <sup>1</sup> The Court notes, as to plaintiff's motion for an order directing Richard Morgan to  
25 have photographs taken of plaintiff's injuries, that Mr. Morgan is not a party to this action and,  
26 thus, this Court has no jurisdiction to issue directives to Mr. Morgan. Plaintiff should keep this  
in mind when deciding which of his motions to re-file.